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confinement, pending execution, was changed to *solitary* confinement, such law was *ex post facto* as to a crime committed under the former law. *In re Medley, supra*. The same court, however, refused to consider as *ex post facto* a change in the place of execution from the county jail-yard to the penitentiary in another county; and *semble* no law is *ex post facto* which is reasonably calculated to lessen the degree of punishment as applicable to crimes committed before their passage. *Rooney v. N. Dakota*, 196 U. S. 319. Whether in any case one mode of inflicting the death penalty can be said as a matter of law to be less severe than another, and to the prisoners advantage, is questionable. There are *dicta* to the effect that such might be held in the case of substitution of electrocution in place of death by hanging. *In re Storti*, 178 Mass. 549, 52 L. R. A. 520; *State v. Tomasi* (N. J.), 69 Atl. 214. The present case seems to express at least the tendency of modern authorities.

FEDERAL EMPLOYERS' LIABILITY ACT—EMPLOYEES WITHIN THE MEANING OF THE ACT.—An employee of an interstate railroad, while carrying a bag of bolts for the repair of a bridge used by the company in both intrastate and interstate traffic, was negligently run down and injured by an intrastate passenger train of the company. *Held*, the plaintiff was employed in interstate commerce within the meaning of the Federal Employers' Liability Act of April 22, 1908 (35 Stat. at L. 65, chap. 149, U. S. Comp. Stat. Supp. 1911, p. 1322). *Pederson v. Delaware Lackawanna & Western Ry. Co.*, 33 Sup. Ct. 648. See NOTES, p. 73.

HOMICIDE—SELF-DEFENSE—RELATIONSHIP.—Defendant's brother provoked a fight with another; the latter, while in the act of stabbing defendant's brother, was killed by defendant. *Held*, the law regards the act of the assistant as if committed by the assisted party, and therefore the defendant is guilty of manslaughter. *State v. Greer* (N. C.), 78 S. E. 310.

It is the duty of every man to prevent the commission of a felony even to the taking of life, if such seems to be reasonably necessary. *State v. Hennessy*, 29 Nev. 320, 90 Pac. 221. Legal responsibility of one interfering to prevent the commission of a felony depends on his own intent, not on the intent of the defended, the former having no knowledge of the latter's intent. *Guffee v. State*, 8 Tex. App. 187; *Snell v. State*, 29 Tex. App. 236, 15 S. W. 722; *Monson v. State* (Tex.), 63 S. W. 647; 67 L. R. A. 547 (note). If, however, one acting through personal motives espouses the cause of another, thereby adopting the latter's intent as his own, he can defend only to such an extent as could the original party to the encounter. *Snurr v. State*, 19 Ohio 379.

Failure to draw a distinction between cases where the act was inspired by close relationship, and those cases involving the broader principle of justification founded upon the duty to the state to prevent the commission of a felony, has led to a line of decisions holding that an intermeddler acts at his peril, if the person slain were not at fault. *Wheat v. Com.* (Ky.), 118 S. W. 264; *State v. Cook*, 78 S. C. 253, 59 S. E. 862; 21 Cyc. 826-8.

In defense of a close relative, one may do whatever the latter might,